

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORMAN A. EDMINSTER,
Plaintiff,

V.

STONE & WEBSTER, INC.,
Defendant.

CIVIL ACTION
NO. 04-CV-10466-DPW

JOINT STATEMENT PURSUANT TO LR, D. MASS. 16.1(D)

Pursuant to LR, D. Mass. 16.1(D) and the Court’s March 9, 2004 Notice of Scheduling Conference, Order for Joint Statement and Certifications, and Order for Electronic Filing (the “Notice and Order”)1, plaintiff Norman A. Edminster (“Edminster”) and defendant Stone & Webster, Inc. (“Stone & Webster”) hereby submit this joint statement.

I. COMPLIANCE WITH OBLIGATION TO CONFER

Pursuant to LR, D. Mass. 16.1(B), on April 14, 2004, Jonathan R. Black, counsel for Edminster, and Kevin P. Sweeney, counsel for Stone & Webster, conferred for the purpose of:

1. Preparing an agenda of matters to be discussed at the May 11, 2004 Scheduling Conference;
2. Preparing a proposed pretrial schedule for the case that includes a plan for discovery;
3. Considering whether they will consent to trial by magistrate judge; and
4. Addressing the prospect of settlement.

As a result of that conference, Edminster and Stone & Webster propose the following for the Court's consideration.

II. **PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT SCHEDULING CONFERENCE**

Edminster and Stone & Webster jointly suggest that at the Scheduling Conference the Court and the parties discuss:

1. The parties' proposed discovery plan;
2. The parties' proposed schedule for filing motions and establishing deadlines for other events in the litigation; and
3. The issue of settlement.

III. **DISCOVERY PLAN**

Edminster and Stone & Webster will comply with their initial disclosure obligations under Fed. R. Civ. P. 26(a)(1) and LR, D. Mass. 26.2(A) by the May 25, 2004 date that the Court established in the Notice and Order.

The parties believe that discovery can be undertaken rather expeditiously and propose to complete discovery by January 11, 2005, which is approximately eight months after the Scheduling Conference (assuming that responses to discovery requests are timely and motions to compel are unnecessary). The discovery event limitations in LR, D. Mass. 26.1(C) will govern. Based on the proposed discovery period, Edminster and Stone & Webster respectfully suggest the following discovery schedule:

1. Edminster and Stone & Webster will disclose the identity of any person who may be used affirmatively at trial to present evidence under Fed. R. Evid. 702, 703 or 705 by August 11, 2004. By September 10, 2004, Edminster and Stone & Webster will disclose the identity of any person who may be used at trial to present evidence under Fed. R. Evid. 702, 703 or 705 intended to contradict or rebut evidence on the same subject matter disclosed by the other party by August 11, 2004.

2. The parties will serve interrogatories, requests for production of documents and requests for admissions at any time up to the January 11, 2005 discovery deadline.

3. Discovery, including the completion of all depositions, will conclude by January 11, 2005.

IV. **PHASED DISCOVERY**

Given the relatively brief timeframe that the parties have proposed in which to conduct discovery and in light of the nature of the factual issues, Edminster and Stone & Webster do not believe that phased discovery is desirable or necessary.

V. **PROPOSED SCHEDULE FOR FILING MOTIONS**

Edminster and Stone & Webster suggest that the Court establish a schedule requiring the parties to serve and file any motions to amend the pleadings or to add parties by July 16, 2004.

They further propose that dispositive motions, including those under Fed. R. Civ. P. 56, be served and filed no later than February 28, 2005.

VI. **CONSENT TO TRIAL BY MAGISTRATE JUDGE**

The parties do not consent to trial by a magistrate judge.

VII. **CERTIFICATIONS SIGNED BY COUNSEL, THE PARTIES AND
AN AUTHORIZED REPRESENTATIVE OF STONE & WEBSTER**

Attached are certifications signed by counsel, Edminster and an authorized representative of Stone & Webster, Inc. pursuant to LR, D. Mass. 16.1(D)(3)(a) and (b).

Plaintiff,

NORMAN A. EDMINSTER,

By his attorney,

/s/ Jonathan R. Black

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Defendants,

STONE & WEBSTER, INC.,

By their attorneys,

/s/ Kevin P. Sweeney

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Dated: April 27, 2004

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